

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DERRICK LEE CARDELLO-SMITH,

Plaintiff,

v.

SEAN COMBS,

Defendant.

Case No. 5:24-cv-12647

Hon. Judith Levy

**DEFENDANT’S OMNIBUS RESPONSE IN OPPOSITION TO
PLAINTIFF’S ADDITIONAL POST-JUDGMENT MOTIONS [ECF Nos.
146, 148, 149, 150, 152]**

STATEMENT OF THE ISSUES PRESENTED

1. Whether any of Plaintiff's additional post-judgment motions have any merit.

Defendant's Answer: No.

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Fed. R. Civ. P. 60(b)

Despite this Court issuing an Order giving Plaintiff “a final warning...to refrain from duplicative, frivolous, fraudulent, or harassing filings[,]” Plaintiff has continued to file abusive post-judgment motions. ECF No. 141. Since the Court issued its warning on April 28, 2025, Plaintiff has filed the following motions, all of which are post-marked well after April 28, 2025:

- A Motion to reopen the case (ECF No. 146)
- A Motion for sanctions against Defendant (ECF No. 148)
- A Motion for the disqualification of the Honorable Judith E. Levy (ECF No. 149)
- A Motion for an evidentiary hearing (repeating the allegations and demand for relief in ECF Nos. 129 and 140) (ECF No. 150)
- A Motion to vacate the judgment (repeating the allegations and demand for relief in ECF Nos. 116, 117) (ECF No. 152)

Plaintiff does not (and could not) identify any basis for the relief sought in any of the additional motions, all of which are duplicative, frivolous and/or fraudulent. This Court has already dismissed Plaintiff’s lone claim with prejudice and entered judgment. ECF Nos. 92, 93. Rule 60 does not permit a party to circumvent a judgment by continuing to litigate a case in District Court after its entry.

CONCLUSION

For the foregoing reasons, Defendant asks that the Court deny Plaintiff’s additional Motions (ECF Nos. 146, 148, 149, 150, 152) and enter an Order striking

Plaintiff's Post-Judgment filings from the docket and enjoining Plaintiff from filing additional lawsuits or documents without first obtaining leave of court.

Dated: June 3, 2025

Respectfully submitted,

FINK BRESSACK

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